

**Subject:** CONSTRUCTIVE DISCHARGE

**Date:** August 16, 1999

**Pages:** 1 of 1

**Replaces Policy Dated:** N/A

**PURPOSE:** To establish procedures to ensure compliance with A.R.S. ' 23-1502.

**STATEMENT OF POLICY:** It is the policy of Pinal County to comply with A.R.S. ' 23-1502

**SCOPE:** This policy applies to all full-time, part-time, and temporary employees of Pinal County.

**PROCEDURE:** Employees of Pinal County are encouraged to inform their Appointing Authority whenever they believe that their working conditions have or may become intolerable and those conditions may cause them to quit or resign.

Under A.R.S. ' 23-1502, if employees wish to preserve their right to bring a claim against the County alleging that their working conditions have forced them to quit or resign (constructive discharge), they must inform their Appointing Authority and Human Resources in writing, that a working condition exists that they believe is or will be intolerable and that will compel them to resign or that constitutes a constructive discharge. The Appointing Authority will respond in writing within fifteen calendar days after receiving the employee-s written communication.

Employees, who desire to preserve their right to bring a constructive discharge claim against the County, are required to wait fifteen calendar days after providing written notification before they may resign. They may take unpaid personal leave of up to fifteen calendar days while waiting for their Appointing Authority to respond to their complaint about their working conditions. Employees may elect to use accrued unused vacation or compensatory time to receive salary continuation during this leave.

It should be noted that the constructive discharge process should be viewed as the solution of last resort. Employees are encouraged to pursue other problem resolution mechanisms including the Problem Solving Procedure (Personnel Policy #3.60) and the Pinal County Uniform Merit Rules Grievance Process.